

16.03.2026
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**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

WPA 391 of 2026

**Sirajul Miya & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ankur Barman,
Ms. Ankita Barman.

...for the Petitioners.

Mr. Pretom Das,
Mr. Pradip Sarkar.

...for the State.

Mr. Sandip Guha Roy,
Mr. Ananda Paul.

...for the Respondent No.3.

Mr. Mayank Roy.

....for the Private Respondents.

1. Affidavit of service filed in Court today is taken on record.

2. The present writ petition has been filed seeking issuance of a writ of mandamus directing the respondent no. 2, the Sub-Divisional Officer, to forthwith initiate and conclude proceedings under Section 23(5) of the West Bengal Panchayat Act, 1973 in respect of the alleged unauthorized construction raised by the private respondents over Plot No. 160, Mouza-Atpukhari, J.L. No. 127, P.S. Ghoksadanga, District-Cooch Behar.

3. This is the second round of litigation between the parties. It is the case of the petitioners that they had earlier preferred a writ petition being WPA 1590 of 2025 alleging illegal and unauthorized construction raised by the private respondents over the petitioners' land. The petitioners had approached this Court contending that the private respondents had encroached upon their land and had raised construction thereon without any lawful authority.

4. This Court, by an order dated 11.08.2025 passed in the aforesaid writ petition, disposed of the matter by directing the Prodhan of Ruidanga Gram Panchayat to consider and decide the representation of the petitioners within a period of two weeks from the date of communication of the said order.

5. Learned counsel for the petitioners submits that the said representation was not decided within the stipulated time, compelling the petitioners to initiate contempt proceedings being WPCRC 06 of 2025. In the said proceeding, by order dated 30.01.2026, the alleged contemnor placed a compliance report before this Court enclosing a speaking order

dated 24.01.2026 passed on the petitioners' representation in purported compliance with the order dated 11.08.2025 passed in WPA 1590 of 2025. In terms of the said speaking order, the construction in question was found to be illegal and the matter was thereafter referred by the Prodhan to the Sub-Divisional Officer, Mathabhanga, for taking necessary action in accordance with law.

6. It is further the case of the petitioners that this Court, while passing the order dated 11.08.2025 in WPA 1590 of 2025, had also observed that in the event the construction was found to be illegal and a reference was made by the Prodhan, the Sub-Divisional Officer would take appropriate steps in accordance with law.

7. Learned counsel for the petitioners submits that despite the aforesaid speaking order and the reference made to the Sub-Divisional Officer, no effective steps have yet been taken by the concerned authority for removal of the alleged illegal and unauthorized construction. It is further submitted that the petitioners have also filed a representation dated 09.02.2026 before the Sub-Divisional Officer, Mathabhanga Sub-Division, District Cooch

Behar, but the said representation still remains pending without any decision.

8. Learned Counsel for the respondent State submits that they will take action as per the law.

9. Learned Counsel for the petitioners states that he shall be satisfied that if the said representation dated 09.02.2026 is decided within a time bound manner.

10. Considering the submissions made by the learned Counsel for the parties and perusing the documents on record, this Court directs the respondent No.2 to decide the representation of the petitioners dated 09.02.2026 by way of speaking order, after affording an opportunity of personal hearing to the petitioners as well as the private respondents within a period of six weeks from the date of communication of this order.

11. Needless to state that the petitioners shall be at liberty to challenge the said order, if aggrieved, in accordance with law.

12. With the aforesaid direction, the present writ petition stands disposed of.

(Gaurang Kanth, J.)